



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/797,567	03/11/2004	Takayuki Kawahara	018907.0112	4814

24735 7590 06/08/2007

BAKER BOTTS LLP
C/O INTELLECTUAL PROPERTY DEPARTMENT
THE WARNER, SUITE 1300
1299 PENNSYLVANIA AVE, NW
WASHINGTON, DC 20004-2400

EXAMINER

FREAY, CHARLES GRANT

ART UNIT	PAPER NUMBER
----------	--------------

3746

NOTIFICATION DATE	DELIVERY MODE
-------------------	---------------

06/08/2007

ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

usptocorrespondence@bakerbotts.com
oneka.davis@bakerbotts.com
darlene_hoskins31@msn.com

Office Action Summary

Application No.

10/797,567

Applicant(s)

KAWAHARA ET AL.

Examiner

Charles G. Freay

Art Unit

3746

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1,3,9-14 and 18 is/are rejected.
- 7) ☒ Claim(s) 2,4-8 and 15-17 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>11/2004</u> . | 6) <input type="checkbox"/> Other: ____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 3, 9, 11 and 13 are rejected under 35 U.S.C. 102(b) as being anticipated by Machida et al (USPN 5,295,808).

Machida discloses a compressor having a first compression mechanism (scroll member 1) driven by a first drive source (7a, 7b) and a second compression mechanism (scroll member 2) driven by a second drive source (8a, 8b). The first and second drive sources have first and second drive axis which are offset. Furthermore, the diameter of the large section of the right portion of the housing, in Fig. 3, is larger than the diameter of the smaller diameter section of the left portion of the housing, thus meeting the limitations of claim 9.

The examiner notes that in claims the term “hybrid” is only set forth in the preamble of the claims and does not further limit the invention. Also, the term “compression mechanism” is a broader limitation than a compressor. The examiner is giving the term “compression mechanism” it’s broadest reasonable interpretation and

sets forth that a compressor mechanism can be a component (such as a single scroll member) of a compressor.

Claims 9-12, 14 and 18 are rejected under 35 U.S.C. 102(a) as being clearly anticipated by Higashiyama et al (USPAP 2003/0152467).

Higashiyama et al disclose a hybrid compressor having a first compression mechanism (scroll compressor 11a, 10b) driven by a first drive source (14) and a second compression mechanism (scroll compressor 21a, 20b) driven by a second drive source (25). The first drive source being connected to an engine of a vehicle (line 14 of [0042]) and the second drive source is an electric motor. The compressors have a common valve plate (Fig. 1). Furthermore, the diameter of the left portion of the housing, in Fig. 1, is larger than the diameter of the right portion of the housing.

Claims 9-12, 14 and 18 are rejected under 35 U.S.C. 102(a) as being clearly anticipated by Terauchi (USPAP 2003/0053916).

Terauchi disclose a hybrid compressor having a first compression mechanism (scroll compressor 11a, 10b) driven by a first drive source (14) and a second compression mechanism (scroll compressor 21a, 20b) driven by a second drive source (26). The first drive source being connected to an engine of a vehicle (Fig. 1) and the second drive source is an electric motor. The compressors have a common valve plate

Art Unit: 3746

(Fig. 1). Furthermore, the diameter of the left portion of the housing, in Fig. 1, is larger than the diameter of the right portion of the housing.

Applicant cannot rely upon the foreign priority papers to overcome this rejection because a translation of said papers has not been made of record in accordance with 37 CFR 1.55. See MPEP § 201.15.

Allowable Subject Matter

Claims 2, 4-8, and 15-17 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

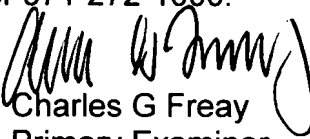
Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Charles G. Freay whose telephone number is 571-272-4827. The examiner can normally be reached on Monday through Friday 8:30 A.M. to 5:30 P.M..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Anthony Stashick can be reached on 571-272-4561. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 3746

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


Charles G Freay
Primary Examiner
Art Unit 3746

CGF
May 26, 2006